



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***JUNE 7, 2004
9:00 A.M.***

ROOM 159

AGENDA

Call to Order--Roll Call.

A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

P 9

A communication from Council Member Alfred T. Dowe, Jr., Chair, City Council Personnel Committee, requesting that Council convene in a Closed Meeting to discuss the performance of two Council-Appointed Officers, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended.

P 10

A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss the disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

P 11

Items listed on the 2:00 p.m. Council docket requiring discussion/clarification; and additions/deletions to the 2:00 p.m. docket. (15 minutes)

Topics for discussion by the Mayor and Members of Council. (30 minutes)

- Liaison Committee Assignments.
- Agenda items for the joint meeting of Council and the Roanoke City School Board on Tuesday, July 6, 2004, at 9:00 a.m.

Briefings:

- | | | |
|---------------------------------------|---|------------|
| • Citizen Survey | – | 20 minutes |
| • Bond Refinancing Update | – | 15 minutes |
| • Zoning Ordinance Update | – | 15 minutes |
| • Financial System Replacement Update | – | 15 minutes |

P 12;
P 13;
P 14;
P 15

THE COUNCIL MEETING WILL BE DECLARED IN RECESS TO BE RECONVENED AT 2:00 P.M., IN THE CITY COUNCIL CHAMBER, FOURTH FLOOR, NOEL C. TAYLOR MUNICIPAL BUILDING.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***JUNE 7, 2004
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call.

The Invocation will be delivered by The Reverend Maurita Wiggins, Pastor, Valley Community Church Divine Science.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Wednesday, June 9, 2004, at 7:00 p.m., and Sunday, June 13, 2004, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGEMENTS:

Proclamation declaring the month of June 2004 as Homeownership Month.

Proclamation declaring June 19, 2004 as Juneteenth Festival Day.

P 16;

P 17

3. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 A communication from Kirk A. Ludwig tendering his resignation as a member of the Human Services Advisory Board.

P 18

RECOMMENDED ACTION: Accept resignation and receive and file the communication.

- C-2 Qualification of the following persons:

Darlene L. Burcham for a term commencing March 2, 2004 and ending March 1, 2007; and Robert C. Lawson for a term commencing March 2, 2004 and ending March 1, 2008, as members of the Board of Directors, Western Virginia Water Authority; and

Gregory M. Cupka as a Commissioner of the Roanoke Redevelopment and Housing Authority to fill the unexpired term of Joseph F. Lynn, resigned, ending August 31, 2007.

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS: NONE.

6. REPORTS OF OFFICERS:

a. CITY MANAGER:

ITEMS RECOMMENDED FOR ACTION:

- | | | |
|----|--|--------------------------|
| 1. | Transfer of \$328,932.00 from the Roanoke Arts Commission Agency Funding Advisory Committee in connection with 2004-05 agency funding requests and allocations. | P 19;
B/O 23 |
| 2. | Appropriation of capital fund interest earnings in connection with the Downtown Family YMCA and Roanoke River Greenway projects. | P 25;
B/O 27;
R 28 |
| 3. | Execution of an agreement with the Roanoke Foundation for Downtown, Inc., for the City of Roanoke Mounted Patrol Unit. | P 29;
R 35 |
| 4. | Execution of an agreement with the Roanoke Valley Convention and Visitors Bureau to provide funds for marketing the Roanoke Valley as a convention and destination tourism site. | P 36;
R 47 |
| 5. | Amendment of the City Code to redefine annual leave cutoff. | P 48;
R 50 |
| 6. | Authorization to file a petition to rezone City-owned property located at the northeast corner of Blue Hills Drive and Orange Avenue, N. E., identified as Official Tax No. 7160113. | P 55;
R 56 |

b. DIRECTOR OF FINANCE:

- | | | |
|----|---|------|
| 1. | Financial Report for the month of April 2004. | P 58 |
|----|---|------|

7. REPORTS OF COMMITTEES: NONE.

8. UNFINISHED BUSINESS:

- a. Amended petition in connection with the request of Fudds of S.W.VA., Inc., that property located at 3659 Orange Avenue, N. E., Official Tax No. 7110122, be rezoned from RS-3, Residential Single Family District, to C-2 General Commercial District, subject to certain conditions proffered by the petitioner. R. Brian Townsend, Director, Planning, Building and Development.

P 68; O 84

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

12. CITY MANAGER COMMENTS:

CERTIFICATION OF CLOSED SESSION.

**MOTION AND CERTIFICATION
WITH RESPECT TO
CLOSED MEETING**

FORM OF MOTION:

I move, with respect to any Closed Meeting just concluded, that each member of City Council in attendance certify to the best of his or her knowledge that (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by the members of Council in attendance.

PLEASE NOTE:

1. The forgoing motion shall be made in open session at the conclusion of each Closed Meeting.
2. Roll call vote included in Council's minutes is required.
3. Any member who believes there was a departure from the requirements of subdivisions (1) and (2) of the motion shall state prior to the vote the substance of the departure that, in his or her judgement, has taken place. The statement shall be recorded in the minutes of City Council.



RALPH K. SMITH
Mayor

CITY OF ROANOKE

CITY COUNCIL

215 Church Avenue, S.W.
Noel C. Taylor Municipal Building, Room 456
Roanoke, Virginia 24011-1536
Telephone: (540) 853-2541
Fax: (540) 853-1145

Council Members:
William D. Bestpitch
M. Rupert Cutler
Alfred T. Dowe, Jr.
Beverly T. Fitzpatrick, Jr.
C. Nelson Harris
Linda F. Wyatt

June 7, 2004

The Honorable Vice-Mayor and Members
of the Roanoke City Council
Roanoke, Virginia

Dear Members of Council:

This is to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph K. Smith". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Ralph K. Smith
Mayor

RKS:snh



RALPH K. SMITH
Mayor

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June 7, 2004

The Honorable Mayor and Members
of the Roanoke City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

I wish to request a Closed Meeting to discuss the performance of two Council-Appointed Officers, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, appearing to be "ATD", with a long horizontal line extending to the right.

Alfred T. Dowe, Jr., Chair
City Council Personnel Committee

ATD:snh



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
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Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

June 7, 2004

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Subject: Request for closed meeting

Dear Mayor Smith and Council Members:

This is to request that City Council convene a closed meeting to discuss the disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to §2.2-3711.A.3, Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in cursive script, reading "Darlene L. Burcham", is written over a horizontal line.

Darlene L. Burcham
City Manager

DLB:s

c: William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Mary F. Parker, City Clerk



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June 7, 2004

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Citizen Survey Briefing

This is to request space on Council's regular agenda for a 20 minute briefing on the above referenced subject.

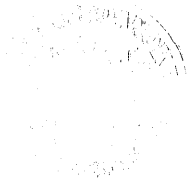
Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
Director of Finance
City Clerk



**CITY OF ROANOKE
OFFICE OF THE CITY MANAGER**

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June 7, 2004

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Bond Refinancing
Update

This is to request space on Council's regular agenda for a 15 minute briefing on the above referenced subject.

Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
Director of Finance
City Clerk



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June 7, 2004

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Zoning Ordinance
 Update

This is to request space on Council's regular agenda for a 15 minute briefing on the above referenced subject.

Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
 Director of Finance
 City Clerk



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June 7, 2004

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Financial System
Replacement Update

This is to request space on Council's regular agenda for a 15 minute briefing on the above referenced subject.

Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
Director of Finance
City Clerk

Office of the Mayor

CITY OF



ROANOKE

Proclamation

WHEREAS, *the Congress of the United States has declared the month of June 2004 as National Homeownership Month; and*

WHEREAS, *the City of Roanoke's Vision 2001-2020 Comprehensive Plan supports providing a diversity of housing choices, emphasizes the reduction of the concentration of low-income housing and focuses on increasing the City's homeownership rate; and*

WHEREAS, *expanding homeownership dates back to President Lincoln's signing of the Homestead Act, in which the reasons are clear --- homeownership benefits individual families by helping to build economic security and fosters healthy, vibrant communities; and*

WHEREAS, *homeowners work to maintain the value of their investment, which translates into a greater concern for neighborhoods and surrounding communities; and*

WHEREAS, *the City of Roanoke will continue to build partnerships to help families obtain the American Dream.*

NOW, THEREFORE, I, Ralph K. Smith, Mayor of the City of Roanoke, Virginia, do hereby proclaim the month of June, 2004, throughout this great All-America City, as

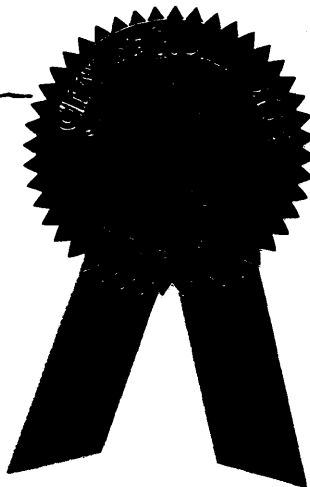
HOMEOWNERSHIP MONTH.

Given under our hands and the Seal of the City of Roanoke this seventh day of June in the year two thousand and four.

ATTEST:

A handwritten signature in cursive script that reads "Mary F. Parker".

Mary F. Parker
City Clerk



Ralph K. Smith
Mayor

Office of the Mayor

CITY OF  ROANOKE

Proclamation

WHEREAS, Juneteenth originated in Galveston, Texas, in 1865 when word reached the slaves that they were free; this day is known throughout the United States as the African American Emancipation Day; and

WHEREAS, Juneteenth commemorates African American freedom and emphasizes education and achievement and is a time for reflection and rejoicing; and

WHEREAS, in cities across the United States, persons of all races, nationalities and religions join to acknowledge a period in our history that shaped and continues to influence our society; and

WHEREAS, Blacks in Government (BIG) was organized more than twenty years ago in Washington, D. C., to address racial discrimination in the Federal Government and has become a national organization with chapters in all agencies of the Federal Government, as well as state and municipal governments throughout the nation; among its goals are a discrimination-free workplace, professional development and community and cultural involvement; and

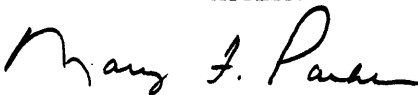
WHEREAS, the Roanoke Chapter of Blacks in Government (BIG) will sponsor a Juneteenth Festival in Washington Park on June 19, 2004, to assist minority and majority communities of the Roanoke area in the quest for festive ways to celebrate historical events.

NOW, THEREFORE, I, Ralph K. Smith, Mayor of the City of Roanoke, Virginia, do hereby proclaim Saturday, June 19, 2004, throughout this great All-America City, as

JUNETEENTH DAY.

Given under our hands and the Seal of the City of Roanoke this seventh day of June in the year two thousand and four.

ATTEST:



Mary F. Parker
City Clerk



Ralph K. Smith
Mayor

LAW OFFICE OF KIRK A. LUDWIG

Attorney at Law

Telephone (540) 857-4000
Facsimile (540) 343-9892

Suite 401A
145 West Campbell Avenue
Roanoke, Virginia 24011

Mailing Address
Post Office Box 989
Roanoke, Virginia 24005

May 19, 2004

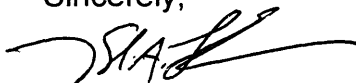
Jane R. Conlin
Director of Human Services
City of Roanoke Department of Social Services
1510 Williamson Road, NE
Roanoke, VA 24012

Dear Ms. Conlin:

It is with sincere regret that I am writing to let you know that I must resign my position on the Human Services Advisory Board. I am a lawyer in a solo practice and I have found over the course of the last few months that my practice does not allow me the time to participate in Advisory Board meetings as I would like.

Again I am sorry that I have not been able to participate more fully in the Advisory Board's important work. I wish you and the Department of Social Services the best of luck in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'KAL', with a long horizontal flourish extending to the right.

Kirk A. Ludwig



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

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June 7, 2004

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice-Mayor
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Recommendations of the
Roanoke Arts Commission

Background:

The Roanoke Arts Commission Agency Funding Advisory Committee budget in the amount of \$328,932 was established by City Council with the adoption of the general fund budget for FY 2004-05. This total represents an increase in funding of \$6,450, or 2% for the Committee as recommended to City Council in February 2004. Requests from 19 agencies totaling \$570,500 were received as indicated on Attachment A. Committee members studied each application prior to an allocation meeting held April 6, 2004. Agencies were notified of tentative allocations and advised they could appeal these recommendations. Two appeals were filed.

Recommended Action:

Transfer \$328,932 as cited on Attachment A from the Roanoke Arts Commission Agency Funding Advisory Committee, account 001-310-5221-3700, to new line items to be established within the Roanoke Arts Commission Agency Funding Advisory Committee budget by the Director of Finance for FY 2004-05.

Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham". The signature is fluid and cursive, with the first name "Darlene" and last name "Burcham" clearly distinguishable.

Darlene L. Burcham
City Manager

DLB:gr

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Elizabeth A. Neu, Director of Economic Development

CM04-00089

**2003-2004 AGENCY FUNDING ADVISORY COMMITTEE REQUEST & ALLOCATIONS
ROANOKE ARTS COMMISSION**

Attachment A

AGENCY	2002-2003 Appropriation	2003-2004 Request	2003-2004 Recommendation	2004-2005 Request	2004-2005 Recommendation
Arts Council of the Blue Ridge	12,500.00	13,500.00	13,165.47	15,000.00	14,083.00
Art Museum of Western Virginia	14,000.00	20,500.00	16,165.47	-0-	-0-
Blue Ridge Zoological Society of VA	10,500.00	10,500.00	10,465.47	10,500.00	10,250.00
Downtown Music Lab	-0-	10,000.00	6,965.47	10,000.00	6,913.00
Harrison Museum/African-American Culture	28,750.00	45,500.00	30,365.47	53,000.00	26,750.00
Julian Stanley Wise Foundation	-0-	20,000.00	-0-	20,000.00	3,167.00
Mill Mountain Playhouse Co.	10,500.00	12,500.00	11,665.47	12,500.00	11,792.00
Opera Roanoke	6,500.00	8,500.00	7,965.47	12,000.00	8,167.00
Roanoke Ballet Theatre	1,500.00	10,000.00	5,965.47	8,000.00	5,583.00
History Museum & Historical Society of Western Virginia	9,500.00	10,000.00	9,965.47	10,000.00	7,755.00
O. Winston Link Museum				5,000.00	3,995.00
Roanoke Symphony Society	21,500.00	40,000.00	26,865.47	40,000.00	27,800.00
Science Museum of Western VA	40,112.00	100,000.00	52,665.47	95,000.00	53,500.00
Southwest Virginia Ballet	2,000.00	5,000.00	2,615.47	5,000.00	2,167.00
Virginia's Explore Park	36,750.00	36,750.00	36,715.47	50,000.00	35,500.00

**2003-2004 AGENCY FUNDING ADVISORY COMMITTEE REQUEST & ALLOCATIONS
ROANOKE ARTS COMMISSION**

Attachment A

AGENCY	2002-2003 Appropriation	2003-2004 Request	2003-2004 Recommendation	2004-2005 Request	2004-2005 Recommendation
Virginia Museum of Transportation	85,000.00	100,000.00	79,965.47	100,000.00	64,363.00
Young Audiences of Virginia	4,000.00	4,000.00	3,965.42	6,000.00	4,167.00
Commonwealth Coach & Trolley Museum				10,000.00	1,600.00
The Dumas Drama Guild, Inc.				2,500.00	2,200.00
Jefferson Center Foundation LTD				75,000.00	12,583.00
Monitoring	6,000.00	6,000.00	6,000.00	6,597.00	6,597.00
Arts Master Plan				28,000.00	20,000.00
TOTAL	\$289,112.00	\$452,750.00	\$322,482.00	\$574,097.00	\$328,932.00

Four New Applications – O. Winston Link Museum (part of History Museum & Historical Society of Western Virginia)
The Dumas Drama Guild, Inc.
Jefferson Center Foundation LTD
Commonwealth Coach & Trolley Museum

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funds to specific Art Commission agencies, amending and reordaining certain sections of the 2004-2005 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2004-2005 General Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations

VA Transportation Museum	001-310-5221-3714	64,363
Roanoke Symphony Society	001-310-5221-3736	27,800
Mill Mountain Theatre	001-310-5221-3749	11,792
Explore Park	001-310-5221-3758	35,500
Opera Roanoke	001-310-5221-3762	8,167
Science Museum of Western Virginia	001-310-5221-3774	53,500
Roanoke Valley History Museum	001-310-5221-3776	7,755
Julian Stanley Wise Foundation	001-310-5221-3777	3,167
Roanoke Ballet Theatre	001-310-5221-3779	5,583
Southwest Virginia Ballet	001-310-5221-3794	2,167
Young Audiences of Virginia	001-310-5221-3802	4,167
Arts Council of the Blue Ridge	001-310-5221-3909	14,083
Blue Ridge Zoological Society	001-310-5221-3911	10,250
Downtown Music Lab	001-310-5221-3912	6,913
Harrison Museum/African-American Culture	001-310-5221-3913	26,750
Monitoring	001-310-5221-3914	6,597
O. Winston Link Museum	001-310-5221-3941	3,995
Commonwealth Coach & Trolley Museum	001-310-5221-3942	1,600
The Dumas Drama Guild, Inc.	001-310-5221-3943	2,200
Jefferson Center Foundation LTD	001-310-5221-3944	12,583
Arts Master Plan	001-310-5221-3945	20,000
Citizens Services – Cultural	001-310-5221-3700	(328,932)

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364

Roanoke, Virginia 24011-1591

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CityWeb: www.roanokegov.com

June 7, 2004

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

**Subject: Appropriate Capital Fund Interest
 Earnings for the YMCA Aquatic Center
 and Greenway Projects**

Background:

On June 18, 2001, City Council adopted the 2002-2006 Capital Improvement Program (CIP). The approved CIP included funding for the Downtown Family YMCA and Roanoke River Greenway projects.

Beginning in fiscal year 2002, the City committed to a \$2.0 million investment, to be paid in \$200,000 increments over a 10-year period to the Downtown Family YMCA. Funds cover costs associated with the design and construction of a new central branch YMCA complex. City residents will receive a discounted membership rate, which will allow them to visit any YMCA facility including the facility in the City of Salem.

Beginning in fiscal year 2002, the City also committed to contributing \$200,000 per year for 10 years for a total of \$2.0 million to the Roanoke River Greenways project and greenways development. Greenways have become a necessary commodity for communities across the United States since they are viewed as an essential amenity that encourages economic development. They connect people to various aspects of a community such as the parks, shops, schools and neighborhoods. Roanoke currently has several greenway projects underway in various stages of development, with a core design element to include connections to Roanoke's primary greenway artery, the Roanoke River Greenway. At this point, it would be more advantageous to reallocate the remaining funding from previous allocations and planned subsequent allocations for general greenway development.

Consideration:

City Council approved an update to the CIP for fiscal years 2005-2009 on May 13, 2004, and an appropriation of \$200,000 for each project in capital fund interest is required in order to meet our obligation for FY 2005.

Recommendation:

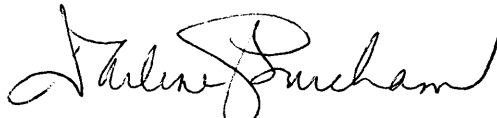
Appropriate \$200,000 from capital fund interest earnings (008-3325) into the Downtown Family YMCA Account No. 008-620-9757-9003;

Transfer funding in the amount of \$193,195 from Account No. 008-530-9756-9003 to an account to be established by the Director of Finance entitled Greenways Development;

Appropriate \$200,000 from capital fund interest earnings (008-3325) into an account to be established by the Director of Finance entitled Greenways Development; and

Reauthorize subsequent contributions for greenways be appropriated to general greenway development.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:vst

c: William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Mary F. Parker, City Clerk
Sherman M. Stovall, Acting Director of Management and Budget

CM04-00093

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

6.a.2.

AN ORDINANCE to appropriate funding from Capital Projects Fund Interest Earnings for the YMCA Aquatic Center and the Greenway Development Projects, amending and reordaining certain sections of the 2003-2004 Capital Projects Fund Appropriations and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2003-2004 Capital Projects Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations			
Appropriated from General Revenue	008-620-9757-9003	\$	200,000
Appropriated from General Revenue	008-530-9753-9003		393,195
Appropriated from General Revenue	008-530-9756-9003		(193,195)
Fund Balance			
Unappropriated	008-3325		(400,000)

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

WHT

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION finding that it is in the best interest of the City to reauthorize previous and subsequent contributions for the Roanoke River Greenway project to general greenway development

WHEREAS, beginning in Fiscal Year 2002, the City committed to contributing \$200,000 per year for 10 years for a total of \$2.0 million to the Roanoke River Greenways projects;

WHEREAS, greenways have become a necessary commodity for communities across the United States since they are viewed as an essential amenity that encourage economic development; and

WHEREAS, Roanoke currently has several greenway projects underway in various stages of development, with a core design element to include connections to Roanoke's primary greenway artery, the Roanoke River Greenway.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that it finds that it is in the best interest of the City of Roanoke to reauthorize previous and subsequent contributions set aside for the Roanoke River Greenway project to general greenway development, as more fully described in the City Manager's letter dated June 7, 2004.

ATTEST:

City Clerk.

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

June 7, 2004

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr. Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Agreement between the City of
Roanoke and Roanoke
Foundation for Downtown, Inc.,
for the City of Roanoke Mounted
Patrol Unit

Background:

The Roanoke Police Department's Mounted Patrol Unit was formed in September 1993, in partnership with Downtown Roanoke, Inc. (DRI), which formed a separate not-for-profit tax exempt organization, Roanoke Foundation for Downtown, Inc., to assist DRI in raising funds for the Police Mounted Patrol Unit. Through a five-year agreement and a subsequent one-year agreement, which was renewed for two additional one-year periods, DRI has provided financial assistance through fund raising efforts and has established relationships with a variety of local vendors and suppliers, many of whom provide services and supplies as in-kind donations or at reduced prices through DRI for the Mounted Patrol.

At the end of the subsequent agreement, the City of Roanoke and DRI entered into a new agreement commencing in September 2001, with the option to renew for two additional one-year periods, whereby the City of Roanoke would provide \$15,000 per year to the Foundation to be used for the benefit of the Mounted Patrol. This agreement will terminate on June 30, 2004.

Considerations:

The Foundation plans to continue to raise funds and seek donations of goods and services to assist with the needs of the Mounted Patrol Unit. Continued funding by the City is also needed to cover the cost of equipment, goods and services to the Unit to the extent such items are not donated.

The attached agreement between the City of Roanoke and the Foundation provides for the annual funding of \$17,500. The term of the agreement is for a period of one year, from July 1, 2004, through June 30, 2005, with the option to renew for two additional one-year periods. The agreement requires the City to indemnify the Foundation if City employees or agents are found guilty of negligent or intentional acts with respect to the agreement. Funding for the donation of \$17,500 has been provided for in the FY 2005 annual budget in account number 001-300-7220-3696.

The Foundation will pay all mounted patrol expenses as submitted by the City, excluding the officer's salaries and benefits and ordinary police equipment and uniforms, and will comply with the City's procurement procedures.

Recommended Action:

City Council authorize the City Manager to execute the attached agreement with the Roanoke Foundation for Downtown, Inc., approved as to form by the City Attorney, within the limits of funds set forth in this report for the purposes specified herein.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:mds

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda B. Russell, ACM for Community Development
A. L. Gaskins, Chief of Police

CM04-00087

AGREEMENT

THIS AGREEMENT by and between THE CITY OF ROANOKE, VIRGINIA, a municipal corporation organized under the laws of the Commonwealth of Virginia ("City") and ROANOKE FOUNDATION FOR DOWNTOWN, INC. ("Foundation"), a non-stock corporation organized under the laws of the Commonwealth of Virginia, is dated July 1, 2001, for identification.

WHEREAS, the parties to this Agreement desire that City maintain a mounted patrol unit ("Unit") within the Police Department of City to serve the residents of City; and

WHEREAS, Foundation has for many years contributed and is willing to contribute to the extent provided herein to the well being of the Unit;

NOW THEREFORE, the parties agree as follows:

1. The term of this Agreement shall be for one year, commencing July 1, 2004, and ending on June 30, 2005. This Agreement shall automatically renew for two (2) successive terms of one year each unless any party shall provide to the other party, at least sixty (60) days prior to the end of the initial term or any renewal term, written notice of the notice giver's intent not to renew the Agreement.
2. Foundation shall have no responsibility for the payment or reimbursement of any expense incurred hereunder except from monies provided herein by the annual operating funds.
3. Prior to July 1st of each year that this Agreement is in effect, City will prepare an annual operating budget for the Unit for the next fiscal year. City will be responsible for all operating expenses in excess of the annual operating funds unless expressly approved by Foundation.
4. City shall provide Foundation annual operating funds of \$17,500 to be used for the benefit of the Unit. Foundation shall use reasonable efforts, in its sole discretion, to secure monetary donations and donations of goods and services for use by the Unit. To the extent goods and services are not donated, Foundation shall use City's informal procurement procedures for any goods or

services for which payment is expected to exceed \$500. In order to comply with such procurement procedures, Foundation will document price quotes from at least three (3) vendors, where possible, and secure goods and services at competitive rates. As and to the extent such operating funds are received, Foundation will pay all Unit expenses as submitted by City, excluding the officers' salaries and benefits and ordinary police equipment and uniforms. All decisions as to what types of goods and services are to be purchased with operating funds are solely the responsibility of City, and Foundation shall have no liability or responsibility for the goods and services purchased.

5. The parties recognize that the Unit shall be under the operational control of City and that the horses and all equipment donated to City shall be the sole property of City. City agrees to indemnify and hold harmless Foundation, its respective officers, agents, and employees, from claims arising out of City's intentional or negligent acts or omissions with respect to this Agreement.
6. In the event that Foundation fails or refuses to perform its duties hereunder, City shall, within forty-five (45) days of Foundation's failure or refusal of performance, give Foundation written notice of such failure or refusal of performance which notice shall completely and accurately describe the duty and the nature of Foundation's refusal or failure of performance. Within thirty (30) days of receipt of such notice, Foundation shall undertake to perform or cause the performance of its said duty. No funds received from the service district tax shall be expended for purposes of this Agreement.
7. Any and all notices, requests or demands given or required to be given under this Agreement shall be in writing and mailed by registered or certified mail, return receipt requested, postage prepaid, or hand-delivered to the other party. Notice to City shall be provided to City Manager, 364 Municipal Building, 215 Church Avenue, S.W., Roanoke, Virginia 24011. Notice to Foundation shall be provided to President, Downtown Roanoke Incorporated, 213 Market Street, Roanoke, Virginia 24011.

8. In the performance of this Agreement, Foundation shall not discriminate against any contractor, subcontractor, sublessee, employee, applicant for employment, or invitee, because of race, religion, color, sex, or national origin, except where race, religion, color, sex, or national origin is a bona fide qualification reasonably necessary to the normal operation of the party.
9. During the performance of this Agreement, Foundation agrees to: (i) provide a drug-free workplace for Foundation employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of Foundation that Foundation maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor. For the purposes of this section, "drug-free workplace" means a site for the performance of work done in connection with a specific contract awarded to a contractor, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the contract or Agreement.
10. By September 30th after each year this Agreement is in effect, Foundation shall make available to appropriate City personnel an accounting of fiscal year expenditures of those funds included in this Agreement. Upon request of City, Foundation shall provide the City with an annual audited financial statement for Foundation.
11. This agreement shall not be amended or modified unless such amendment or modification is set forth in a written instrument executed by all parties to this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT as of the day and year hereinabove written:

ATTEST:

Witness:

ROANOKE FOUNDATION FOR
DOWNTOWN, INC.:

By: _____

By: _____

ATTEST:

CITY OF ROANOKE

By: _____

Mary F. Parker, City Clerk

By: _____

Darlene L. Burcham, City Manager

CITY OF ROANOKE

By: _____

Rolanda B. Russell,
Assistant City Manager

Approved as to Form:

City Attorney

Appropriation and Funds Required for
this Contract Certified:

Director of Finance

001-300-7220-3696 (\$17,500)
Account Number

Date

Approved as to Execution:

City Attorney

JWS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing an agreement with Roanoke Foundation for Downtown, Inc., for funding to be used for the benefit of the Mounted Patrol Unit of the Police Department.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City Manager and the City Clerk are hereby authorized to execute and attest, respectively, an agreement with the Roanoke Foundation for Downtown, Inc., for funding to be used for the benefit of the Mounted Patrol Unit of the Police Department, as described in the City Manager's letter to this Council dated June 7, 2004.

2. The form of the agreement, which shall be substantially as set forth in the attachment to the City Manager's letter and to include a provision indemnifying the Roanoke Foundation for Downtown, Inc., on the terms detailed in the City Manager's letter, shall be approved by the City Attorney.

ATTEST:

City Clerk



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591

Telephone: (540) 853-2333

Fax: (540) 853-1138

CityWeb: www.roanokegov.com

June 7, 2004

The Honorable Ralph K. Smith, Mayor
The Honorable Nelson Harris, Vice-Mayor
The Honorable William Bestpitch, Council Member
The Honorable Rupert Cutler, Council Member
The Honorable Alfred Dowe, Council Member
The Honorable Beverly T. Fitzpatrick, Jr., Council Member
The Honorable Linda Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: FY 2004-2005 Roanoke
Valley Convention and Visitors Bureau
Agreement

The City of Roanoke annually has entered into an Agreement with the Roanoke Valley Convention and Visitors Bureau (RVCVB) to provide funding for marketing the Roanoke Valley as a convention and destination tourism site. As part of annual budget adopted by City Council on May 13, 2004, the Memberships and Affiliations budget includes funding of \$541,440 specifically designated for the RVCVB. An additional \$306,000 is designated in the annual budget for marketing efforts and will go to the RVCVB, subject to an adjustment provision as set forth in the agreement mentioned below.

The City has negotiated a one-year agreement commencing July 1, 2004 (attached) with the RVCVB detailing the use of these funds. The agreement provides for the same number of City of Roanoke representatives on the RVCVB Board of Directors as last year. The agreement also contains a mutual indemnity clause, paragraph 9, which requires approval of Council. The RVCVB submitted a detailed report listing the accomplishments made through April 2004, and an annual budget and work plan for 2004-2005 will be submitted to the City Manager for review and approval, upon approval of the RVCVB Board of Directors.


Mayor Smith and Members of Council
June 7, 2004
Page 2

Recommendation:

Authorize the City Manager to execute an Agreement in the amount of \$847,440 with the RVCVB, in a form approved by the City Attorney, substantially similar to the one attached hereto for the express purpose of marketing the Roanoke Valley as a regional destination for convention and destination tourism.

Also, authorize the Director of Finance to make the adjustment mentioned above as set forth in the Agreement.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:gr

Attachments

c: Jesse A. Hall, Director of Finance
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Beth Neu, Director of Economic Development
David Kjolhede, Executive Director, RVCVB

CM04-00088

AGREEMENT

THIS AGREEMENT, dated July 1, 2004, is by and between the ROANOKE VALLEY CONVENTION AND VISITORS BUREAU, a corporation organized under the laws of the Commonwealth of Virginia (hereinafter "RVCVB") and the CITY OF ROANOKE, a municipal corporation of the Commonwealth of Virginia (hereinafter "City").

WHEREAS, the RVCVB is a "REGIONAL DESTINATION MARKETING ORGANIZATION" whose mission is to market the entire Roanoke Valley as an exciting destination for Convention and Leisure travel;

WHEREAS, the City is the largest contributor and with its concentration of hotels, conference centers, convention facilities, shopping, dining and attractions, realizes enhancement of its tax revenues as a result of the RVCVB marketing efforts;

WHEREAS, the City desires to render aid and provide support to the RVCVB to assist in the promotion of the Roanoke Valley as a destination or meeting site for Visitors, including tourists, conventions and meeting groups, special event visitors and commercial travelers;

WHEREAS, the City desires to appropriate \$847,440 (subject to an adjustment as set forth herinafter in Paragraph 4) to the RVCVB for the express purpose of increasing tourism activities;

WHEREAS, the City desires to formalize its relationship with RVCVB in an effort to increase the revenue enhancement derived from tourism activity; and

WHEREAS, the City desires to assure that its appropriation of funds be used for these purposes.

THEREFORE, in consideration of the mutual promises hereinafter set forth, the parties do hereby agree as follows:

1. Term. The term of this Agreement shall be for a one-year period, from July 1, 2004, through June 30, 2005.

2. Services. Funds made available to RVCVB by the City will be applied to provide additional services resulting directly or indirectly in income producing activities, including but not limited to:

- (a) Direct sales programs.
- (b) Sales promotions.
- (c) Servicing conventions.
- (d) Marketing/communications.
- (e) Identify product need (new and improved facility and attractions).
- (f) Coordination with other City and Civic agencies and businesses involved in the growth of the Roanoke Valley.
- (g) Staff and run a Visitors' Center.
- (h) Promote and sell the Roanoke Valley as a convention and tourist destination.

3. Work Program/Budget. No later than July 30, 2004, the RVCVB shall submit to the City Manager for approval a work program, marketing plan and budget setting forth in reasonable detail the activities planned for the year and the anticipated expenditures of City funds involved. The marketing plan shall be in sufficient detail as to determine the strategy RVCVB will be pursuing in promoting and selling the Roanoke Valley as a destination for group meetings, i.e. conferences and conventions as well as tourists. Such items shall detail how the funds will be expended on specific marketing initiatives. The City Manager shall approve or otherwise respond to the proposed work programs, marketing plan and budget no later than August 23, 2004 in order that any necessary modifications be settled upon on or before August 30, 2004. Monthly reports outlining progress on convention sales, tourism activities and groups booked, bus tour activity, bookings and other information as deemed to be necessary by the City shall be submitted by the RVCVB to the City's Director of Economic Development. The lack of any written response by the City's Director of Economic Development requesting redirection of efforts within ten (10) days of receipt of each monthly report will denote satisfaction with RVCVB efforts.

4. Funding.

A. The City agrees to provide funding to RVCVB in the amount of Eight Hundred Forty-Seven Thousand Four Hundred Forty Dollars (\$847,440), subject to an adjustment as set forth in 4(B) below. The total amount shall be paid quarterly in equal payments of \$211,860 on or before the last day of July 2004, September 2004, December 2004, and March 2005.

B. Within thirty (30) days after the end of the fiscal year, June 30, 2005, the Director of Finance will make an adjustment to the amount of funding under this Contract to the RVCVB. Such adjustment will be either an increase or decrease to the amount set forth in 4(A) above. The increase or decrease in funds provided to the RVCVB will be computed as follows: an amount equal to one seventh of the fiscal year 2005 transient occupancy tax revenue less \$15,714, less the amount already paid to the RVCVB of \$306,000 (which is part of the total amount set forth above) for fiscal year 2005. If there is an increase in such revenues, the amount of such increase will be paid by the City to the RVCVB at the close of the fiscal year to the extent of any shortfall in its operating budget under this Contract, but only up the amount of such shortfall. Otherwise, any such funds will not be paid to RVCVB. Furthermore, if there is a decrease in the amount of revenues mentioned above, the amount of such decrease will be requested in the form of a repayment from the RVCVB to the City at the close of the fiscal year. The RVCVB will pay the City the amount of such decrease within thirty (30) days after receiving written notice from the City to do so.

5. Subcontracting. It is understood that RVCVB may from time to time contract with firms and individuals for the acquisition of goods or services in the furtherance of the activities contemplated by this Agreement. RVCVB shall not enter into any contract relating to activities contemplated by this Agreement or involving the expenditure of funds provided to RVCVB by the City under this Agreement, where the amount of such contract is \$5,000 or more, without written

authorization of the City Manager unless the nature of the goods or services to be acquired were disclosed in the work program or annual plan and budget submitted for the year.

6. Books and Records, Audits. RVCVB shall keep accurate books and records. Both monthly P&L and Income Statements as well as an audited financial statement shall be made available to the City upon request. Additionally, RVCVB shall make such books and records available to the Municipal Auditor of the City or other independent auditor selected by the City during its regular office hours.

7. Contacts with Prospective Clients. As specified in paragraph 3, the RVCVB shall inform the City's Director of Economic Development on a regular basis of work in progress at the RVCVB. A representative from the City shall have the right to be present at any formal bid presentations made to any potential group meeting or business meeting.

8. Board of Directors. City Council shall appoint two people as members of the Board of Directors of the RVCVB. Such appointees shall have full voting rights and privileges during the term of this Agreement and shall serve on the Board at the pleasure of City Council. In addition, the City Manager, the City's Director of Economic Development or Director's designee, and the Chairman of the Roanoke Civic Center Commission or the Chair's designee, shall be members of the Board, with full voting rights and privileges during the term of this Agreement.

9. Indemnification. To the extent permitted by law, each party shall indemnify and hold harmless the other party, its officers, agents and employees, from any and all claims, legal actions and judgments advanced against it or its officers, agents or employees, and for expenses it may incur in this regard, arising out of the other's negligent acts or omissions, with respect to carrying out this Agreement.

10. Insurance. RVCVB shall obtain and maintain during the life of this Agreement a policy or policies of commercial general liability insurance with an insurance company or companies

licensed to do business in Virginia, which policy or policies shall provide coverage with respect to claims arising out of the subject matter of this Agreement. The amount of such insurance shall not be less than \$1,000,000. RVCVB shall also obtain and maintain during the life of this Agreement Directors and Officers Liability insurance in the amount of \$1,000,000 per occurrence providing coverage, including defense costs, with respect to claims arising out of the subject matter of this Agreement. All such policies shall be occurrence policies and shall name the City of Roanoke, its officers, agents, employees and representatives as additional insureds under the commercial general liability policy and, if possible, under the Directors and Officers Liability policy. RVCVB shall provide the City with certificates of insurance for each of the above policies and each certificate shall contain substantially the following statement: "The insurance coverage provided by this certificate shall not be canceled or materially altered except after thirty (30) days written notice has been provided to the City of Roanoke."

11. Assignment. Neither the City nor RVCVB may assign its rights or obligations hereunder without the prior written consent of the other.

12. Notices. Any notices required by the terms of this Agreement shall be deemed to have been given when delivered in person to or deposited in the U.S. mail, via first class postage,

addressed: (a) If to the City:

City Manager
City of Roanoke
Noel C. Taylor Municipal Building, Room 364
215 Church Avenue, S. W.
Roanoke, Virginia 24011

And

Director of Economic Development
111 Franklin Plaza, Suite 200
Roanoke, VA 24011

(b) If to the RVCVB:

Executive Director
Roanoke Valley Convention and Visitors Bureau
101 Shenandoah Avenue
Roanoke, VA 24016

or at such other address as each party may designate for itself by giving at least five (5) days prior written notice to the other party.

13. Nondiscrimination.

A. During the performance of this Agreement, the RVCVB agrees as follows:

1. RVCVB will not discriminate against any subcontractor, employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of RVCVB. RVCVB agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
2. RVCVB, in all solicitations or advertisements for employees placed by or on behalf of RVCVB will state that RVCVB is an equal employment opportunity employer.
3. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

B. RVCVB will include the provisions of the foregoing subparagraphs (A)(1), (2) and (3), in every subcontract or purchase order of over ten thousand dollars (\$10,000.00), so that the provisions will be binding upon each subcontractor or vendor.

14. Drug Free Workplace.

(A) During the performance of this Contract, the RVCVB agrees to (i) provide a drug free workplace for the RVCVB's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the RVCVB's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of RVCVB that RVCVB maintains a drug free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

(B) For the purpose of this section, "drug-free workplace" means a site for the performance of work done in connection with a specific contract awarded to a contractor, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the Contract.

15. Faith Based Organizations. Pursuant to Virginia Code Section 2.2 - 4343.1, be advised that the City of Roanoke does not discriminate against faith-based organizations.

16. Termination. The City may terminate this Agreement at any time if RVCVB applies funds paid to RVCVB by the City for any purpose other than the purposes contemplated by this Agreement, provided that reasonable notice and opportunity to cure shall first be afforded, or if

RVCVB fails to perform any of the other obligations under this Agreement or as otherwise allowed by law. Upon termination of this Agreement, the number of City representatives on the Board of Directors of RVCVB shall be reduced to two (2). In such event, the City Manager shall designate the City's representatives to remain on the Board or in the event the City Manager does not so designate within 14 days of termination of the contract, the President of RVCVB shall make the designation.

17. Duplicate Originals. This Agreement may be executed in duplicate, each of which shall be deemed to be an original and all of which will be deemed to represent one and the same Agreement.

18. Nonwaiver. RVCVB agrees that the City's waiver or failure to enforce or require performance of any term or condition of this Agreement or the City's waiver of any particular breach of this Agreement by RVCVB extends to that instance only. Such waiver or failure is not and shall not be a waiver of any of the terms or conditions of this Agreement or a waiver of any other breaches of the Agreement by RVCVB and does not bar the City from requiring RVCVB to comply with all the terms and conditions of the Agreement and does not bar the City from asserting any and all rights and/or remedies it has or might have against RVCVB under this Agreement or by law.

19. Cooperation. Each party agrees to cooperate with the other in executing any documents necessary to carry out the intent and purpose of this Agreement.

20. Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes all prior agreements between the parties. No amendment to this Agreement will be valid unless made in writing and signed by the appropriate parties.

IN WITNESS WHEREOF, the City and the RVCVB have caused this Agreement to be executed and sealed by their respective authorized representatives.

ATTEST:

CITY OF ROANOKE

Mary F. Parker, City Clerk

By _____
Darlene L. Burcham, City Manager

ATTEST:

ROANOKE VALLEY CONVENTION
AND VISITORS BUREAU

Printed Name and Title

Printed Name and Title

Approved as to form:

Appropriation & Funds required for this
Contract certified:

City Attorney

Director of Finance

Approved as to execution

Account No.

City Attorney

Date: _____

P.T.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing an agreement with the Roanoke Valley Convention and Visitors Bureau for the purpose of increasing tourism in the Roanoke Valley.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City Manager and the City Clerk are hereby authorized to execute and to attest, respectively, an agreement with the Roanoke Valley Convention and Visitors Bureau for a term of one year, from July 1, 2004, through June 30, 2005, unless sooner terminated in accordance with the provisions of the agreement, for the purpose of increasing tourism and marketing the Roanoke Valley as a regional destination for convention, conference, leisure and business travel, all as more fully set forth in the City Manager's letter to this Council dated June 7, 2004.
2. The contract amount authorized by this resolution shall not exceed \$847,440 without further Council authorization, except for the adjustment which the Director of Finance is authorized to make in accordance with the agreement.
3. Such agreement shall be in such form as is approved by the City Attorney, and shall be substantially similar to the one attached to the above mentioned letter.

ATTEST:

City Clerk.



CITY OF ROANOKE

DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

JESSE A. HALL

Director of Finance

email: jesse_hall@ci.roanoke.va.us

ANN H. SHAWVER

Deputy Director

email: ann_shawver@ci.roanoke.va.us

June 7, 2004

Honorable Ralph K. Smith, Mayor
 Honorable C. Nelson Harris, Vice-Mayor
 Honorable William D. Bestpitch, Council Member
 Honorable M. Rupert Cutler, Council Member
 Honorable Alfred T. Dowe, Jr., Council Member
 Honorable Beverly T. Fitzpatrick, Jr., Council Member
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Revision to City Code Regarding
 Cutoff Date for Use of Employee Leave

Background: City employees accrue monthly paid leave or vacation, depending upon the leave plan in which they participate. Policies allow for up to 288 hours of paid leave or 240 hours of vacation leave and 24 hours holiday leave to be carried forward from one fiscal year to another. City Code currently stipulates June 30 as the date by which employees must use paid leave, vacation, or holiday time to avoid loss of such leave balances in excess of these maximum carryover amounts.

The City's payroll processing software reduces balances to maximum carryover amounts during payroll processing of the first payroll in July. Because June 30 doesn't normally coincide with the end of a payroll cycle, significant resources are utilized every year in adjusting leave balances to accommodate the use of a June 30 carryover date, rather than an annual leave cutoff date which corresponds to the end of a pay period.

Current situation: Efficiencies may be gained throughout the organization in handling the leave carryover policy if we change the annual leave cutoff date to correspond with the end of the payroll period that coincides with the first payday in July, instead of using the constant date of June 30. In the current fiscal year, this proposed policy change will allow employees until July 5 to use paid leave, vacation, or holiday hours in excess of carryover amounts to avoid losing such excess balances. In some years, the cutoff date for the first payday in July will fall within the last few days of June, but in every year,

Honorable Mayor and Members of Council
June 7, 2004
Page 2

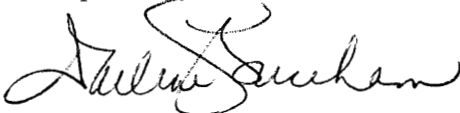
employees will be granted twenty six pay periods in which to use leave. In every year, the cutoff date will coincide with the end of a payroll period and will be well communicated to employees through various means such as the weekly electronic newsletter, the *City Corner*, and through the Human Resources Contacts who represent each department.

City departments were polled regarding this change in policy, and favorable feedback was consistently received by those who responded. Estimated savings from this change in policy exceeds two hundred hours annually, City-wide. Changing this policy also reduces the risk of error of leave balances due to the reduction of manual intervention in maintenance of the balances.

A one time exception to the amount of holiday leave carry forward is also recommended this year only, since the last day of the pay period, July 5, is a holiday. This will allow all employees to carry forward thirty-two (32) hours of holiday time instead of the twenty four (24) hours typically allowed.

Recommendation: Adopt the attached ordinance to amend the City Code to redefine the annual leave cutoff from June 30 to the end of the pay period that coincides with the first payday in July. This will be the date by which employees need to use paid leave, vacation, or holiday balances before they are reduced to maximum carryover amounts.

Respectfully submitted,



Darlene L. Burcham
City Manager



Jesse A. Hall
Director of Finance

c: William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Kenneth S. Cronin, Director of Human Resources

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE amending subsection (c) of §2-37, Office hours, work weeks and holidays, of Division 1, Generally, §2-48, Applicability, and subsection (g) of §2-49, Vacation leave, of Division 2, Vacation Leave and Sick Leave, amending §2-53, Applicability; eligibility to elect coverage, by the addition of new subsections (b), (c) and (e), and amending subsections (b), (e) and (f) of §2-54, Paid leave, of Division 3, Paid Leave and Extended Illness Leave, of Article III, Officers and Employees, Chapter 2, Administration, Code of the City of Roanoke (1979), as amended, by changing the leave accumulation date for the fiscal year to the cutoff date of the pay period for the first July pay day in each year; establishing and defining a time by which employee leave must be used prior to the annual carryover of leave time limits being calculated which normally would be June 30 of each fiscal year; and dispensing with the second reading by title of this ordinance.

WHEREAS, traditionally, employees have been required to use all types of leave by June 30, the last day of the fiscal year, after which time, the carryover amounts were calculated, as referred to in the Code sections relating to vacation leave, sick leave, paid leave and extended illness leave, which practice creates problems because the cutoff dates of pay periods do not coincide with the end of the month, or June 30 (the last day of the fiscal year), and, it is in the best interest of the employees and the administration that a new date by which leave time may be used prior to the calculation of the carryover limits be established, and a new time for the leave accumulation date for maximum carryover limits be established, all as more particularly set forth in the letter of the City Manager and the Director of Finance, dated May 20, 2004, to City Council.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Section 2-37, Office hours, work weeks and holidays, of Division I, Generally, Article III, Chapter 2, Administration, Code of the City of Roanoke (1979), as amended, is hereby amended to read and provide as follows:

§2-37. Office hours, work weeks and holidays.

* * *

(c) Except as provided in subsection (d) of this section and herein, each officer or employee of the city shall receive eighty-eight (88) hours of holiday time each year (the nine (9) legal holidays of the city established by subsection (b) above, the second Monday in October (Columbus Day) and November 11 (Veterans Day) and, for the year 2002 only, the first Friday in July); offices of the city shall remain open during the three (3) latter holidays which shall be observed as floating holidays by City employees. Except for employees of departments that work twenty-four-hour shifts, holiday time shall be taken on the nine (9) legal holidays of the city established by subsection (b) of this section and at such other times as shall be mutually agreed to by the officer or employee and his department head or equivalent official. Employees of departments that work twenty-four (24) hour shifts shall take their holiday time at times mutually agreed to by them and their department head or equivalent official. On and after July 1, 1996, twenty-four (24) hours of holiday time may be carried over *after the annual leave cutoff date as defined in §§2-48 and 2-53 of this code* from one (1) fiscal year to the next and accumulated and used at times mutually agreed to between any officer or employee carrying over holiday time and his department head or equivalent official. *However, as a one-time exception, thirty-two (32) hours of holiday time may be carried over after the annual leave cutoff date as defined in §§2-48 and 2-53 of this chapter from the 2003-2004 fiscal year to the 2004-2005 fiscal year.* No officer or employee shall be paid for holiday time accumulated after November 1, 1995.

* * *

2. Section 2-48, Applicability, of Division 2, Vacation Leave and Sick Leave, of Article III, Officers and Employees, Chapter 2, Administration, Code of the City of Roanoke, 1979, as amended, is hereby amended to read and provide as follows:

§2-48. Applicability, definition, calculation of carryover leave, etc..

(a) The provisions of this division shall apply to nontemporary officers and employees hired before July 1, 1992, who have not elected to be subject to the provisions of Division 3 of this chapter.

(b) *The term "annual leave cutoff date" shall be defined as the cutoff date of the pay period for the first July pay date of each fiscal year, whether that date falls on, before, or after June 30 of any fiscal year.*

(c) *The last day on which leave of any kind, as set out specifically in §§2-49 and 2-54 of this chapter, may be taken before balances are reduced to carryover limits shall be on the annual leave cutoff date.*

(d) *Carryover limits shall be calculated after the first July payroll and before processing the second July payroll.*

3. Subsection (g) of §2-49, Vacation leave, of Division 2, Vacation Leave and Sick Leave, of Article III, Officers and Employees, Chapter 2, Administration, Code of the City of Roanoke (1979), as amended, is amended to read and provide as follows:

§2 - 49. Vacation leave.

* * *

(g) Vacation leave may be accumulated but no officer or employee may be credited with more than two hundred forty (240) hours of vacation leave ~~on July 1 of any fiscal year~~ *after the annual leave cutoff date*, except that employees of the fire department working the three-platoon system may be credited with not more than four hundred eighty (480) hours on such date.

* * *

4. Section 2-53, Applicability; eligibility to elect coverage, of Article III, Officers and Employees, Division 3, Paid Leave and Extended Illness Leave, Chapter 2, Administration,

Code of the City of Roanoke (1979), as amended, is hereby amended to read and provide as follows:

§2-53. Applicability; eligibility to elect coverage; definitions, calculation of carryover leave, etc.

(a) The provisions of this division shall apply to nontemporary officers and employees hired on or after July 1, 1992, and to any officer and employee who was hired prior to July 1, 1992, and who has made a timely and effective election to be subject to the provisions of this division.

(b) *The term "annual leave cutoff date" shall be defined as the cutoff date of the pay period for the first July pay date of each fiscal year, whether that date falls on, before, or after June 30 of any fiscal year.*

(c) *The last day on which leave of any kind, as set out specifically in §§2-49 and 2-54 of this chapter, may be taken before balances are reduced to carryover limits shall be on the annual leave cutoff date.*

(d) *Carryover limits shall be calculated after the first July payroll and before processing the second July payroll.*

(d)(e) The city manager shall establish by regulation the requirements for officers and employees to elect to be subject to the provisions of this division which shall include a requirement that employees make an irrevocable election within a thirty-day period to be established by the city manager with such election to be effective the first day of the next fiscal year.

(e)(f) Except for officers and employees who have made a timely election to be subject to the provisions of this division effective July 1, 1992, no officer or employee shall be eligible to receive retirement service credit for accumulated extended illness leave if the officer or employee retires within thirty-six (36) months of the effective date of the election.

6. Subsections (b), (e) and (f) of §2-54, Paid leave, of Division 3, Paid Leave and Extended Illness Leave, of Article III, Officers and Employees, Chapter 2, Administration, Code of the City of Roanoke (1979), as amended, are amended to read and provide as follows:

§2-54. Paid leave.

* * *

(b) Initial paid leave balance for officers and employees hired prior to July 1, 1992, shall be the individual's vacation leave balance as of ~~June 30th~~ *the annual leave cutoff date* the year in which the election to be subject to the provisions of this division is made.

* * *

(e) Paid leave may be accumulated, but no officer or employee may be credited with more than two hundred eighty-eight (288) hours of paid leave ~~on July 1st of any fiscal year~~ *after the annual leave cutoff date*, except that employees of the fire department working the three-platoon system may be credited with not more than four hundred eight (408) hours on such date.

* * *

(f) Paid leave in excess of the maximum carryover ~~on June 30th of each year as of the annual leave cutoff date~~ shall be added to the individual's extended illness leave account up to a maximum of ~~forty (40)~~ *eighty (80)* hours per fiscal year ~~or fifty-six (56) hours per fiscal year~~ for *all* employees. ~~of the fire department working the three platoon system.~~

* * *

7. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



**CITY OF ROANOKE
OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

June 7, 2004

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: RCIT Zoning Petition
CM04-00095

This is to request space on Council's regular agenda for a report on the above referenced subject.

Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
City Clerk
Director of Finance

556/3/04
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the filing of a petition to rezone property which is owned by the City of Roanoke and which is designated as Official Tax No. 7160113, subject to certain proffers.

WHEREAS, the City of Roanoke owns certain property designated as Official Tax No. 7160113;

WHEREAS, such property is currently zoned LM, Light Manufacturing District; and
WHEREAS, it is the desire of City Council to consider the rezoning of such property from LM, Light Manufacturing District, to C-2, General Commercial District, subject to certain proffered conditions, for the purpose of permitting the development of commercial uses, including a restaurant, office, hotel, business service establishment, fitness center, or day care center, at the entrance of the Roanoke Centre for Industry and Technology.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. That public necessity, convenience, general welfare and good zoning practice require the filing of a petition to rezone the subject property from LM, Light Manufacturing District, to C-2, General Commercial District, subject to certain proffered conditions, for the purpose of permitting the development of commercial uses, including a restaurant, office, hotel, business service establishment, fitness center, or day care center, at the entrance of the Roanoke Centre for Industry and Technology.

2. That the City Manager is authorized to file a petition, similar in form and content to the petition attached to the letter dated June 7, 2004, to this Council, approved as to form by the City Attorney, to rezone the subject property from LM, Light Manufacturing District, to C-2, General Commercial District, subject to the proffered conditions set forth in the petition.

ATTEST:

City Clerk.



CITY OF ROANOKE

DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

JESSE A. HALL

Director of Finance

email: jesse_hall@ci.roanoke.va.us

ANN H. SHAWVER

Deputy Director

email: ann_shawver@ci.roanoke.va.us

June 7, 2004

The Honorable Ralph K. Smith, Mayor
 The Honorable C. Nelson Harris, Vice Mayor
 The Honorable William D. Bestpitch, Council Member
 The Honorable M. Rupert Cutler, Council Member
 The Honorable Alfred T. Dowe, Jr., Council Member
 The Honorable Beverly T. Fitzpatrick, Jr., Council Member
 The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

SUBJECT: April Financial Report

This financial report covers the first ten months of the 2003-2004 fiscal year. The following narrative discusses revenues and expenditures.

REVENUES

Effective with the 2003-2004 fiscal year, recovered costs are being reported as revenues rather than as reductions of department expenditures as in prior years. This change in reporting has the impact of increasing both revenues and expenditures as compared to the prior year. Through April, approximately \$3.2 million in recovered costs had been received and was included in the Charges for Services revenue category. Adjusted for the change in reporting of recovered costs, General Fund revenues increased 5.0% or \$7,943,843 compared to FY03. Other significant variances in specific categories of revenues are discussed in the following paragraphs.

General Property Taxes increased 4.5% or \$2,990,321 compared to FY03. This is led by increased revenues from real estate which were up 6.8% as of April 30th. The current portion of real estate was expected to grow at this rate, and almost 99% of budgeted revenue has been collected at this point. Contrary to the current portion of the tax, delinquent real estate collections are anticipated to fall below the estimate for the current fiscal year. Collection of personal property tax is down on a year-to-date basis, and the personal property tax levy is 3% lower than that of the prior year due to a decline in sales of vehicles and a decrease in NADA values. Surrounding localities have experienced similar declines in personal property billings. The majority of personal property tax is collected near its May 31st due date, and additional information related to the performance of this second largest tax will be provided in subsequent months.

The Local Tax category is a primary indicator of the health of our local economy. The category increased 5.5% as compared to last year. Sales tax revenues led this growth with an increase of 6.9% when adjusted for one-time collections totaling approximately \$300,000. These resulted from a sales tax audit conducted during the current year which revealed underpayment of prior years' sales taxes. The growth in the sales tax this year results from continued overall recovery in our economy. Additionally, compared to performance from this time last year, improvements can be seen as consumer spending has rebounded from news of the war in Iraq. Business and professional occupational license (BPOL) tax, another major source of local tax revenue, will achieve its estimate for the current fiscal year. Other local taxes with positive performance included the transient room and prepared food and beverage taxes which grew by 6.6% and 6.4%, respectively. Additionally, cellular telephone tax increased 10.5%, mainly due to a \$51,000 one-time collection stemming from a cellular telephone tax audit.

Permits and Fees grew by 15.3% or \$114,004 over FY03 due to growth in electrical, plumbing, building, and heating inspection fees. This growth was generated as a result of new construction and continued expansions to existing companies. New security and fire alarm registration fees, as well as growth in outdoor dining permits, also contributed to an increase in this category.

Grants-in-Aid Commonwealth increased approximately 3.4% since last year due to timing of receipt of the monthly social services wire transfer. Overall growth of 1.4% is anticipated in the Grants-in-Aid Commonwealth category due to increases in funding for foster care and E911 wireless communications. Decreases have occurred in the state share of personal property tax and the jail block grant.

Charges for Services have increased due to the aforementioned change in accounting for recovered costs as revenue in FY04. Recovered costs are slightly above the estimate on a year to date basis. Additionally, EMS revenues have increased approximately \$390,185 in the current year due to increased rates, in compliance with federal guidelines.

Miscellaneous Revenues grew by \$123,640 over FY03 due in part to the collection of surplus proceeds from prior year tax sales which have not been claimed by property owners. Sale proceeds in excess of lien amounts are retained by the City following a certain waiting period. Additionally, the City received revenue of \$28,126 based on the volume of annual purchasing card activity.

EXPENDITURES AND ENCUMBRANCES

Certain items affect all categories of the City in the 2003-2004 fiscal year. First, the City granted a pay raise to active employees effective July 1, 2003, which averaged 2.85% City-wide. Secondly, the City's purchasing division created an initiative to assure that contractual commitments such as rents are encumbered via purchase order for the annual amount. This resulted in higher obligations in the current fiscal year compared to the prior fiscal year, but it represents a more realistic assessment of departmental obligations. Also, the changes to recording of recovered costs, discussed previously, results in affected departmental obligations being greater than the prior year since the recovered costs are no longer deducted from obligations.

General fund expenditures and encumbrances have increased 6.5%. Adjusted for the change in recovered costs, this increase is 4.5%. Significant variances caused by fluctuations other than the change in accounting for recovered costs are discussed below.

Public Safety expenditures increased 11.6% partially due to timing differences in the encumbrance of contractual payments in Police, Emergency Medical Services, and Jail. Personal service costs also increased in the labor-intensive Police and Fire departments.

Health and Welfare expenditures grew by 11.2% due to increases in the cost of daycare services and ADC-foster care. Increased special needs adoption subsidies also affected Social Services expenditures. Subsidies to the Health Department and Total Action Against Poverty were up a combined \$333,010 due to timing differences in encumbrance of contractual payments as mentioned above.

Parks, Recreation and Cultural expenditures increased in part due to a \$199,367 increase in Department of Technology billings generated by a significant increase in the number of computers owned by the libraries over the prior fiscal year. These computers were purchased in order to reduce citizens' waiting time for use of public computers. Additionally, expenditures were up due to the aforementioned change in recognition of recovered costs.

Community Development expenditures and obligations grew over FY03 due to a budgeted increase in donations to various local organizations funded by the City. Contributing to the budgeted increase was a one-time expenditure for Mill Mountain Zoo water line improvements, support for the City's branding initiative, and provision for payment to Event Zone in support of major City events.

As a result of debt service savings from the Series 2003 refunding issue, Transfer to Debt Service decreased in the current fiscal year. Additionally, the payments required on the 1999A and 2002 Series issues are lower in the current year than in FY03.

The Transfer to School Capital Projects Fund stemmed from an appropriation of fund balances relative to CMERP for a reserve for future school construction and renovation costs. There was no similar transfer in FY03.

Nondepartmental expenditures and obligations increased due to a transfer of \$2,845,800 to the Parking Fund to redeem the lease of the Century Station parking garage with the Housing Authority.

I would be pleased to answer questions City Council may have regarding the monthly financial statements.


Director of Finance

**CITY OF ROANOKE, VIRGINIA
GENERAL FUND**

STATEMENT OF REVENUE

Revenue Source	Year to Date for the Period			Current Fiscal Year	
	July 1 - April 30 2002-2003	July 1 - April 30 2003-2004	Percentage of Change	Revised Revenue Estimates	Percent of Revenue Estimate Received
General Property Taxes	\$ 66,981,453	\$ 69,971,774	4.46 %	\$ 83,500,217	83.80%
Other Local Taxes	44,182,476	46,616,804	5.51 %	60,866,657	76.59%
Permits, Fees and Licenses	745,867	859,871	15.28 %	907,302	94.77%
Fines and Forfeitures	1,081,495	1,214,616	12.31 %	1,296,130	93.71%
Revenue from Use of Money and Property	822,949	835,556	1.53 %	1,093,091	76.44%
Grants-in-Aid Commonwealth	39,246,894	40,586,290	3.41 %	46,663,491	86.98%
Grants-in-Aid Federal Government	17,179	130,731	660.99 %	147,852	88.42%
Charges for Services	3,412,936	7,264,528	112.85 %	8,567,804	84.79%
Miscellaneous Revenue	221,734	345,374	55.76 %	420,474	82.14%
Internal Services	1,497,493	1,542,740	3.02 %	2,529,153	61.00%
Total	\$ 158,210,476	\$ 169,368,284	7.05 %	\$ 205,992,171	82.22%

STATEMENT OF EXPENDITURES AND ENCUMBRANCES

Expenditures	Year to Date for the Period			Current Fiscal Year		
	July 1 - April 30 2002-2003	July 1 - April 30 2003-2004	Percentage of Change	Unencumbered Balance	Revised Appropriations	Percent of Budget Obligated
General Government	\$ 9,412,914	9,549,324	1.45 %	\$ 2,452,110	\$ 12,001,434	79.57%
Judicial Administration	4,990,799	5,080,854	1.80 %	1,488,754	6,569,608	77.34%
Public Safety	37,723,877	42,108,811	11.62 %	8,077,417	50,186,228	83.91%
Public Works	19,655,095	21,343,039	8.59 %	3,833,539	25,176,578	84.77%
Health and Welfare	21,329,329	23,724,985	11.23 %	5,478,250	29,203,235	81.24%
Parks, Recreation and Cultural	3,756,802	4,464,860	18.85 %	1,020,016	5,484,876	81.40%
Community Development	4,652,921	5,174,823	11.22 %	1,202,512	6,377,335	81.14%
Transfer to Debt Service Fund	16,846,406	14,513,017	-13.85 %	480,180	14,993,197	96.80%
Transfer to School Fund	39,622,432	40,741,205	2.82 %	8,148,241	48,889,446	83.33%
Transfer to School Capital Projects Fund	-	1,025,630	100.00 %	-	1,025,630	100.00%
Nondepartmental	7,908,044	8,910,662	12.68 %	3,023,840	11,934,502	74.66%
Total	\$ 165,898,619	176,637,210	6.47 %	\$ 35,204,859	\$ 211,842,069	83.38%

**CITY OF ROANOKE, VIRGINIA
WATER FUND
COMPARATIVE INCOME STATEMENT
FOR THE TEN MONTHS ENDING APRIL 30, 2004**

	<u>FY 2004</u>	<u>FY 2003</u>
Operating Revenues		
Commercial Sales	\$ 4,158,935	\$ 3,640,537
Domestic Sales	3,362,749	2,901,728
Industrial Sales	661,947	483,538
Town of Vinton	36,443	22,628
City of Salem	38,983	27,546
County of Botetourt	234,294	196,544
County of Bedford	33,339	26,307
Customer Services	413,208	307,654
Charges for Services	<u>1,023,875</u>	<u>977,341</u>
Total Operating Revenues	<u>9,963,773</u>	<u>8,583,823</u>
Operating Expenses		
Personal Services	3,689,709	3,686,446
Operating Expenses	2,709,401	3,027,690
Purchased Water - Roanoke County	-	1,907,359
Purchased Water - City of Salem	-	589,419
Depreciation	<u>1,308,073</u>	<u>1,372,562</u>
Total Operating Expenses	<u>7,707,183</u>	<u>10,583,476</u>
Operating Revenues (Expenses)	<u>2,256,590</u>	<u>(1,999,653)</u>
Nonoperating Revenues (Expenses)		
Interest on Investments	56,160	68,608
Rent	139,965	102,500
Main Extension Agreements	104,490	-
Miscellaneous Revenue	52,371	52,768
Transfer to Department of Technology Fund	(216,000)	(41,146)
Interest and Fiscal Charges	<u>(940,907)</u>	<u>(780,089)</u>
Net Nonoperating Expenses	<u>(803,921)</u>	<u>(597,359)</u>
Net Income (Loss)	<u><u>\$ 1,452,669</u></u>	<u><u>\$ (2,597,012)</u></u>

Note: Prior year financial statements have been restated to conform to current year presentation.

**CITY OF ROANOKE, VIRGINIA
WATER POLLUTION CONTROL FUND
COMPARATIVE INCOME STATEMENT
FOR THE TEN MONTHS ENDING APRIL 30, 2004**

	<u>FY 2004</u>	<u>FY 2003</u>
Operating Revenues		
Sewage Charges - City	\$ 5,953,259	\$ 5,033,474
Sewage Charges - Roanoke County	939,843	1,077,757
Sewage Charges - Vinton	158,054	211,902
Sewage Charges - Salem	945,075	1,008,576
Sewage Charges - Botetourt County	149,619	182,632
Customer Services	253,682	233,336
Interfund Services	<u>161,427</u>	<u>191,661</u>
Total Operating Revenues	<u>8,560,959</u>	<u>7,939,338</u>
Operating Expenses		
Personal Services	1,944,230	1,744,079
Operating Expenses	4,481,989	3,982,570
Depreciation	<u>1,559,267</u>	<u>1,551,759</u>
Total Operating Expenses	<u>7,985,486</u>	<u>7,278,408</u>
Operating Revenues	<u>575,473</u>	<u>660,930</u>
Nonoperating Revenues (Expenses)		
Interest on Investments	94,702	116,436
Miscellaneous Revenue	157	321
Capital Contributions - Other Jurisdictions	1,966,785	97,832
Transfer to Department of Technology Fund	(190,000)	(27,248)
Interest and Fiscal Charges	<u>(290,284)</u>	<u>(619,908)</u>
Net Nonoperating Revenues (Expenses)	<u>1,581,360</u>	<u>(432,567)</u>
Net Income	<u><u>\$ 2,156,833</u></u>	<u><u>\$ 228,363</u></u>

**CITY OF ROANOKE, VIRGINIA
CIVIC FACILITIES FUND
COMPARATIVE INCOME STATEMENT
FOR THE TEN MONTHS ENDING APRIL 30, 2004**

	<u>FY 2004</u>	<u>FY 2003</u>
Operating Revenues		
Rentals	\$ 612,706	\$ 325,336
Event Expenses	150,916	87,306
Display Advertising	77,983	6,000
Admissions Tax	299,779	153,157
Electrical Fees	6,965	5,760
Novelty Fees	58,176	50,612
Facility Surcharge	303,559	51,384
Charge Card Fees	67,582	6,907
Commissions	51,780	52,856
Catering/Concessions	900,560	586,055
Other	<u>8,023</u>	<u>8,583</u>
Total Operating Revenues	<u>2,538,029</u>	<u>1,333,956</u>
Operating Expenses		
Personal Services	1,669,244	1,613,936
Operating Expenses	1,872,983	1,794,053
Depreciation	<u>439,478</u>	<u>490,047</u>
Total Operating Expenses	<u>3,981,705</u>	<u>3,898,036</u>
Operating Loss	<u>(1,443,676)</u>	<u>(2,564,080)</u>
Nonoperating Revenues (Expenses)		
Interest on Investments	12,367	15,457
Flood Damage Reimbursements	23,453	-
Virginia Municipal League	11,865	-
Arena Ventures Contractual Penalties	117,506	-
Transfer from General Fund	477,565	677,815
Transfer from General Fund - Victory Stadium	113,728	102,278
Transfer from Capital Projects Fund	260,000	-
Transfer to Debt Service Fund	(62,194)	(69,330)
Transfer to Department of Technology Fund	-	(47,754)
Gain (Loss) on Disposal of Fixed Asset	45,000	(15,352)
Miscellaneous	<u>2,388</u>	<u>8,458</u>
Total Nonoperating Revenues	<u>1,001,678</u>	<u>671,572</u>
Net Loss	<u><u>\$ (441,998)</u></u>	<u><u>\$ (1,892,508)</u></u>

**CITY OF ROANOKE, VIRGINIA
PARKING FUND
COMPARATIVE INCOME STATEMENT
FOR THE TEN MONTHS ENDING APRIL 30, 2004**

	<u>FY 2004</u>	<u>FY 2003</u>
Operating Revenues		
Century Station Parking Garage	\$ 352,873	\$ 313,640
Williamson Road Parking Garage	456,621	370,199
Market Square Parking Garage	197,219	188,935
Church Avenue Parking Garage	491,369	408,364
Tower Parking Garage	374,653	327,140
Gainsboro Parking Garage	78,473	31,809
Williamson Road Surface Lots	68,899	62,053
Norfolk Avenue Surface Lot	51,667	49,163
Gainsboro Surface Lot	37,181	29,869
Other Surface Lots	123,191	64,378
Total Operating Revenues	<u>2,232,146</u>	<u>1,845,550</u>
Operating Expenses		
Operating Expenses	901,700	870,235
Depreciation	461,909	458,817
Total Operating Expenses	<u>1,363,609</u>	<u>1,329,052</u>
Operating Income	<u>868,537</u>	<u>516,498</u>
Nonoperating Revenues (Expenses)		
Interest on Investments	15,196	5,258
Transfer from General Fund (see Note)	2,845,800	119,778
Transfer from Department of Technology Fund	78,000	
Interest and Fiscal Charges	(303,657)	(491,018)
Net Nonoperating Revenues (Expenses)	<u>2,635,339</u>	<u>(365,982)</u>
Net Income	<u><u>\$ 3,503,876</u></u>	<u><u>\$ 150,516</u></u>

Note: The Transfer from General Fund for FY 2004 was to redeem the Century Station Garage lease.

**CITY OF ROANOKE, VIRGINIA
CITY TREASURER'S OFFICE
GENERAL STATEMENT OF ACCOUNTABILITY
FOR THE MONTH ENDED APRIL 30, 2004**

TO THE DIRECTOR OF FINANCE:

GENERAL STATEMENT OF ACCOUNTABILITY OF THE CITY TREASURER OF THE CITY OF ROANOKE, VIRGINIA FOR THE FUNDS OF SAID CITY FOR THE MONTH ENDED APRIL 30, 2004.

FUND	BALANCE AT MAR 31, 2004	RECEIPTS	DISBURSEMENTS	BALANCE AT APR 30, 2004	BALANCE AT APR 30, 2003
GENERAL	(\$5,006,988.52)	\$21,546,935.37	\$16,912,678.27	(\$372,731.42)	(\$71,334.19)
WATER	4,639,236.78	813,938.25	181,686.24	5,271,488.79	4,114,223.27
WATER POLLUTION CONTROL	27,923,899.51	1,794,460.80	2,434,283.30	27,284,077.01	8,625,814.52
CIVIC FACILITIES	1,690,620.62	318,329.36	424,323.54	1,584,626.44	385,281.80
PARKING	913,323.87	250,070.44	76,794.08	1,086,600.23	406,684.30
CAPITAL PROJECTS	48,092,761.77	148,936.51	731,993.15	47,509,705.13	52,265,098.61
MARKET BUILDING OPERATIONS	160,529.36	22,448.84	34,110.27	148,867.93	322,224.88
CONFERENCE CENTER	3,765,589.51	23,963.37	387.85	3,789,165.03	3,910,773.60
DEBT SERVICE	13,089,970.60	1,295,484.00	11,455.35	14,373,999.25	14,504,483.27
DEPT OF TECHNOLOGY	3,849,138.89	293,995.92	212,789.07	3,930,345.74	5,339,412.70
FLEET MANAGEMENT	468,069.66	655,630.89	240,522.58	883,177.97	1,693,944.78
PAYROLL	(12,819,207.59)	15,538,135.03	15,550,862.51	(12,831,935.07)	(11,675,030.90)
RISK MANAGEMENT	12,154,915.13	851,615.48	923,997.01	12,082,533.60	11,641,193.13
PENSION	961,888.11	1,585,908.22	1,550,373.64	997,422.69	393,905.90
SCHOOL FUND	5,634,267.21	6,683,776.09	6,233,179.84	6,084,863.46	8,838,245.92
SCHOOL CAPITAL PROJECTS	7,565,210.59	113,044.53	1,361,580.45	6,316,674.67	9,369,966.11
SCHOOL FOOD SERVICE	477,335.34	135,714.21	472,436.56	140,612.99	433,589.51
FDETC	6,816.97	23.83	25,575.22	(18,734.42)	77,446.18
GRANT	1,255,042.09	611,214.18	303,647.24	1,562,609.03	952,064.21
TOTAL	\$114,822,419.90	\$52,683,625.32	\$47,682,676.17	\$119,823,369.05	\$111,527,987.60

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE STATEMENT OF MY ACCOUNTABILITY TO THE CITY OF ROANOKE, VIRGINIA, FOR THE FUNDS OF THE VARIOUS ACCOUNTS THEREOF FOR THE MONTH ENDED APRIL 30, 2004.
THAT SAID FOREGOING:

CASH

CASH IN HAND	\$16,158.57
CASH IN BANK	1,921,347.22

INVESTMENTS ACQUIRED FROM COMPETITIVE PROPOSALS:

COMMERCIAL HIGH PERFORMANCE MONEY MARKET	13,300,000.00
LOCAL GOVERNMENT INVESTMENT POOL	21,497,523.91
MONEY MANAGEMENT ACCOUNT	10,506,652.04
REPURCHASE AGREEMENTS	11,500,000.00
U. S. AGENCIES	16,000,000.00
VIRGINIA AIM PROGRAM (U. S. SECURITIES)	28,757,552.89
VIRGINIA RESOURCE AUTHORITY	16,324,134.42

TOTAL

\$119,823,369.05

MAY 17, 2004


EVELYN W. POWERS, TREASURER

**CITY OF ROANOKE PENSION PLAN
STATEMENT OF CHANGES IN PLAN NET ASSETS
FOR THE TEN MONTHS ENDED APRIL 30, 2004**

	<u>FY 2004</u>	<u>FY 2003</u>
<u>Additions:</u>		
Employer Contributions	\$ 4,193,192	\$ 3,324,958
Investment Income		
Net Appreciation (Depreciation) in Fair Value of Investments	27,034,558	(9,318,763)
Interest and Dividend Income	2,050,749	2,425,990
Total Investment Income (Loss)	29,085,307	(6,892,773)
Less Investment Expense	340,397	255,113
Net Investment Income (Loss)	28,744,910	(7,147,886)
Total Additions (Deductions)	<u>\$ 32,938,102</u>	<u>\$ (3,822,928)</u>
 <u>Deductions</u>		
Benefits Paid to Participants	\$ 15,071,573	\$ 13,865,340
Administrative Expenses	276,919	288,349
Total Deductions	<u>15,348,492</u>	<u>14,153,689</u>
 Net Increase (Decrease)	 17,589,610	 (17,976,617)
 Net Assets Held in Trust for Pension Benefits:		
 Fund Balance July 1	 283,983,057	 289,534,315
Fund Balance April 30	<u><u>\$301,572,667</u></u>	<u><u>\$271,557,698</u></u>

**CITY OF ROANOKE PENSION PLAN
BALANCE SHEET
APRIL 30, 2004**

	<u>FY 2004</u>	<u>FY 2003</u>
<u>Assets</u>		
Cash	\$ 997,417	\$ 368,380
Investments, at Fair Value	302,142,014	272,606,184
Due from Other Funds	1,431	1,590
Other Assets	<u>6,150</u>	<u>5,785</u>
Total Assets	<u>\$ 303,147,012</u>	<u>\$ 272,981,939</u>
 <u>Liabilities and Fund Balance</u>		
Liabilities:		
Due to Other Funds	\$ 1,546,301	\$ 1,424,060
Accounts Payable	<u>28,044</u>	<u>181</u>
Total Liabilities	<u>1,574,345</u>	<u>1,424,241</u>
 Fund Balance:		
Fund Balance, July 1	283,983,057	289,534,315
Net Gain (Loss) - Year to Date	<u>17,589,610</u>	<u>(17,976,617)</u>
Total Fund Balance	<u>301,572,667</u>	<u>271,557,698</u>
Total Liabilities and Fund Balance	<u>\$ 303,147,012</u>	<u>\$ 272,981,939</u>



June 7, 2004

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Background:

At its public hearing on May 20, 2004, the City Council considered the request of Fudds of S.W.VA, Inc., for property located at 3659 Orange Avenue, N. E., Official Tax No. 7110122, to be rezoned from RS-3, Residential Single Family District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner as contained in the petitioner's Fifth Amended Petition, filed on April 12, 2004. The City Planning Commission, at its April 15, 2004, public hearing, failed to recommend the rezoning request by a vote of 0-7 because of the petition's lack of clear definition of future use and site development standards that reflected consistency with the policies of *Vision 2001-2020*, the City's comprehensive plan. By motion of City Council the rezoning request was referred to the staff of the Department of Planning Building and Development for review of additional proffers and report to Council no later than Monday, June 21, 2004.

Considerations:

Since the City Council's action to refer the matter to staff, the petitioner has developed a modified set of proffered conditions contained in a Sixth Amended Petition which was filed with the City Clerk on June 1, 2004. In this Sixth Amended Petition, the petitioner proffers the following:

1. That the property shall be used only for the following uses:

a. Permitted Uses:

- 1) Dwellings located above ground floor nonresidential uses.
- 2) Nonprofit counseling facilities and services.
- 3) Day care centers with unlimited capacity subject to the requirements of Section 36.1-510 et seq.
- 4) Libraries, museums, art galleries and art studios and other similar uses including associated educational and instructional activities.
- 5) Clubs, lodges and fraternal organizations.
- 6) Post offices.
- 7) Indoor recreational uses including bowling alleys, indoor tennis courts, squash courts, fitness centers and other similar uses.
- 8) Theaters with unlimited seating capacity.
- 9) Outdoor recreational facilities including swimming clubs, tennis courts, athletic facilities and other similar uses.
- 10) General and professional offices including financial institutions.
- 11) Medical clinics.
- 12) Medical offices.
- 13) General service establishments, except that general service establishments primarily engaged in the repair or maintenance of motor vehicles shall not be permitted.
- 14) Funeral homes.
- 15) Restaurants.
- 16) Hotels, motel, and inns.
- 17) General retail establishments primarily engaged in the retail sale or rental of merchandise, goods, or products except automobiles, trucks, or construction equipment; and including the incidental repair and assembly of merchandise, goods or products to be sold on the premises.
- 18) Food stores with unlimited gross floor area.
- 19) Neighborhood and highway convenience stores, provided that no motor vehicle service station canopy over a gas pump island shall be allowed, unless:
 - a. Such canopy shall have a maximum clear, unobstructed height to its underside not to exceed fourteen (14) feet six (6) inches and a maximum overall height not to exceed sixteen (16) feet six (6) inches.
 - b. There shall be no illumination of any portion of the fascia of the canopy;
 - c. Any lighting fixtures or sources of light that are a part of the underside of the canopy shall be recessed into the underside of the canopy so as not to protrude

below the canopy ceiling. All such lighting associated with the canopy shall be directed downward toward the pump islands and shall not be directed outward or away from the site.

- (d) The vertical dimension of the fascia of such canopy shall be no more than two (2) feet; and
 - (e) Signs attached to or on such canopy shall not be illuminated and shall not extend beyond the ends or extremities of the fascia of the canopy to which or on which they are attached.
- 20) Auto accessory sales with related installation.
 - 21) Automobile cleaning facilities.
 - 22) Storage and warehouse activities which are accessory to a retail use where all storage activities are wholly enclosed in a building which is located on the same lot as the retail use and where the gross floor area of buildings used for storage activities does not exceed fifty (50) percent of the gross floor area of the retail use.
 - 23) Veterinary clinics with no outside corrals or pens.
 - 24) Kennels with no outside pens or "runs."
 - 25) Plant nurseries and greenhouses including those with retail sales.
 - 26) Commercial printing establishments which print newspapers, publications, and other materials.
 - 27) Personal service establishments.
 - 28) Business service establishments.
- b. Special Exception Uses:
- 1) Fast food restaurants, so long as a special exception is granted.
 - 2) Establishments engaged in the retail sale of building supplies where all or a portion of related storage and display activities are not wholly enclosed in a building provided the outdoor storage or display area is accessory to a building and has a maximum area no greater than ten (10) percent of the gross floor area of the building, so long as a special exception is granted.
 - 3) Mini-warehouses provided that the total gross floor area of storage buildings shall not exceed twelve thousand (12,000) square feet, so long as a special exception is granted.
 - 4) Establishments primarily engaged in the wholesale distribution of goods where all related activities are wholly enclosed in a building provided that and so long as a special exception is granted:
 - a. The total gross floor area of buildings on a lot shall not exceed twelve thousand (12,000) square feet.

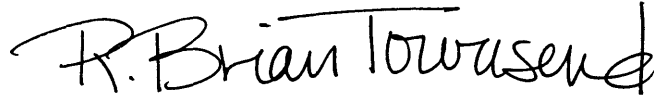
- b. The use is located on a major arterial road or highway.
 - 5) Manufacturing, assembly, mixing, processing or other processes which are accessory to a retail use, where all such activities are wholly enclosed in the same building as the retail use and where no more than five (5) people are involved in such processes on the premises, so long as a special exception is granted.
 - 6) Medical laboratories, so long as a special exception is granted.
-
- 2. That the first use to be developed on the property shall be a restaurant.
 - 3. That there shall be no more than one (1) curb cut on Orange Avenue serving the property.
 - 4. That there shall be no more than two (2) freestanding signs serving the property.
 - 5. That the storm water detention facility for the property shall be located underground.
 - 6. That a minimum of one (1) tree shall be planted for every six (6) parking spaces located on that portion of the property being developed for a restaurant. Said trees shall be located in the interior and perimeter of the parking lot. At least fifty percent (50%) of said trees shall be a minimum of two and one half (2 ½) inches caliper in diameter at the time of planting.
 - 7. That no more than twenty five percent (25%) of the number of parking spaces on the property shall be located between the face of any building and Orange Avenue.

Staff Evaluation and Recommendation:

The proffers contained in the Sixth Amended Petition provide appropriate limitations on future use given the location of the site at a significant corridor gateway into the City. In addition, the amended petition contains proffers that also address limitations to vehicular access to the site and to on-site freestanding signage which are consistent with *Vision 2001-2020* development policies. Furthermore, proffers relating to underground storm water detention, the provision of parking lot landscaping, and a limitation on the amount of on-site parking to be located between the public right-of-way and buildings on the site, provide parameters on the future development of the site in a manner that appropriately address policies contained in the comprehensive plan.

Given the additional proffers contained in the Sixth Amended Petition, staff recommends that City Council approve the rezoning subject to certain conditions proffered by the petitioner.

Respectfully submitted,

A handwritten signature in black ink that reads "R. Brian Townsend". The signature is written in a cursive style with a large, sweeping "R" and a long horizontal line extending from the "n" to the "d".

R. Brian Townsend, Director
Planning Building and Development

RBT:mpf

attachments

Darlene L. Burcham, City Manager

Rolanda Russell, Assistant City Manager for Community Development

William M. Hackworth, City Attorney

Steven J. Talevi, Assistant City Attorney

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Rezoning of one tract of land located at 3659 Orange Avenue, N.E., identified as official Tax Map Number 7110122, from RS-3, Residential Single-Family District, to C-2, General Commercial District, such rezoning to be subject to certain conditions.

SIXTH AMENDED PETITION

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA:

Petitioner FUDDS OF S.W.VA., INC., owns real property in the City of Roanoke, Virginia, containing 3.130 acres, more or less, located at 3659 Orange Avenue, N.E. and being Tax Map Number 7110122. The property is currently zoned RS-3, Residential Single-Family District. A map of the property to be rezoned is attached as Exhibit A.

Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, Petitioner requests that the said property be rezoned from RS-3, Residential Single-Family District, to C-2, General Commercial District, subject to certain conditions set forth below, for the purpose of permitting a restaurant on the property. The conceptual development plan prepared by Lumsden Associates, P.C., dated February 4, 2004, is attached hereto as Exhibit B ("Development Plan").

Your petitioner believes the rezoning of the property will further the intent and purposes of the City's Zoning Ordinance and Vision 2001-2020 Comprehensive Plan. This property is located along and would be oriented toward Orange Avenue. This project will promote quality development and good use along the Orange Avenue commercial corridor, and would permit this parcel to be used for commercial purposes consistent with its C-2 neighbors.

If the said tract is rezoned as requested, your petitioner hereby proffers and agrees as follows:

1. That the property shall be used only for the following uses:
 - a. Permitted Uses:
 - 1) Dwellings located above ground floor nonresidential uses.
 - 2) Nonprofit counseling facilities and services.
 - 3) Day care centers with unlimited capacity subject to the requirements of section 36.1-510 et seq.
 - 4) Libraries, museums, art galleries and art studios and other similar uses including associated educational and instructional activities.
 - 5) Clubs, lodges and fraternal organizations.
 - 6) Post offices.
 - 7) Indoor recreational uses including bowling alleys, indoor tennis courts, squash courts, fitness centers and other similar uses.
 - 8) Theaters with unlimited seating capacity.
 - 9) Outdoor recreational facilities including swimming clubs, tennis courts, athletic facilities and other similar uses.
 - 10) General and professional offices including financial institutions.
 - 11) Medical clinics.
 - 12) Medical offices.

- 13) General service establishments, except that general service establishments primarily engaged in the repair or maintenance of motor vehicles shall not be permitted.
- 14) Funeral homes.
- 15) Restaurants.
- 16) Hotels, motels, and inns.
- 17) General retail establishments primarily engaged in the retail sale or rental of merchandise, goods, or products except automobiles, trucks, or construction equipment; and including the incidental repair and assembly of merchandise, goods or products to be sold on the premises.
- 18) Food stores with unlimited gross floor area.
- 19) Neighborhood and highway convenience stores, provided that no motor vehicle service station canopy over a gas pump island shall be allowed, unless:
 - a. Such canopy shall have a maximum clear, unobstructed height to its underside not to exceed fourteen (14) feet six (6) inches and a maximum overall height not to exceed sixteen (16) feet six (6) inches;
 - b. There shall be no illumination of any portion of the fascia of the canopy;

- c. Any lighting fixtures or sources of light that are a part of the underside of the canopy shall be recessed into the underside of the canopy so as not to protrude below the canopy ceiling. All such lighting associated with the canopy shall be directed downward toward the pump islands and shall not be directed outward or away from the site.
 - d. The vertical dimension of the fascia of such canopy shall be no more than two (2) feet; and
 - e. Signs attached to or on such canopy shall not be illuminated and shall not extend beyond the ends or extremities of the fascia of the canopy to which or on which they are attached.
- 20) Auto accessory sales with related installation.
 - 21) Automobile cleaning facilities.
 - 22) Storage and warehouse activities which are accessory to a retail use where all storage activities are wholly enclosed in a building which is located on the same lot as the retail use and where the gross floor area of buildings used for storage activities does not exceed fifty (50) percent of the gross floor area of the retail use.
 - 23) Veterinary clinics with no outside corrals or pens.
 - 24) Kennels with no outside pens or “runs.”
 - 25) Plant nurseries and greenhouses including those with retail sales.

- 26) Commercial printing establishments which print newspapers, publications, and other materials.
- 27) Personal service establishments.
- 28) Business service establishments.

b. Special Exception Uses:

- 1) Fast food restaurants, so long as a special exception is granted.
- 2) Establishments engaged in the retail sale of building supplies where all or a portion of related storage and display activities are not wholly enclosed in a building provided the outdoor storage or display area is accessory to a building and has a maximum area no greater than ten (10) percent of the gross floor area of the building, so long as a special exception is granted.
- 3) Mini-warehouses provided that the total gross floor area of storage buildings shall not exceed twelve thousand (12,000) square feet, so long as a special exception is granted.
- 4) Establishments primarily engaged in the wholesale distribution of goods where all related activities are wholly enclosed in a building provided that and so long as a special exception is granted:
 - a. The total gross floor area of buildings on a lot shall not exceed twelve thousand (12,000) square feet.
 - b. The use is located on a major arterial road or highway.

- 5) Manufacturing, assembly, mixing, processing or other processes which re accessory to a retail use, where all such activities are wholly enclosed in the same building as the retail use and where no more than five (5) people are involved in such processes on the premises, so long as a special exception is granted.
- 6) Medical laboratories, so long as a special exception is granted.
2. That the first use to be developed on the property shall be a restaurant.
3. That there shall be no more than one (1) curb cut on Orange Avenue serving the property.
4. That there shall be no more than two (2) freestanding signs serving the property.
5. That the stormwater detention facility for the property shall be located underground.
6. That a minimum of one (1) tree shall be planted for every six (6) parking spaces located on that portion of the property being developed for a restaurant. Said trees shall be located in the interior and perimeter of the parking lot. At least fifty percent (50%) of said trees shall be a minimum of two and one-half (2 1/2) inches caliper in diameter at the time of planting.
7. That no more than twenty five percent (25%) of the number of parking spaces on the property shall be located between the face of any building and Orange Avenue.

Attached as Exhibit C are the names, addresses and tax numbers of the owners of all lots or properties immediately adjacent to, immediately across a street or road from the property to be rezoned.

WHEREFORE, your Petitioner requests that the above-described tract be rezoned as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

This Sixth Amended Petition is respectfully submitted this 1st day of June, 2004.

FUDDS OF S.W.VA., INC.,
a Virginia corporation

By: Maryellen F. Goodlatte
Of Counsel

Maryellen F. Goodlatte, Esq.
Glenn, Feldmann, Darby & Goodlatte
210 1st Street, S.W., Suite 200
P. O. Box 2887
Roanoke, Virginia 24001-2887

(540) 224-8018 - Telephone
(540) 224-8050 - Facsimile
mgoodlatte@gfdg.com

FUDDS OF S.W.VA., INC., a Virginia corporation, owner of the property subject to this petition, hereby consents to this sixth amended petition including the voluntary proffers contained herein.

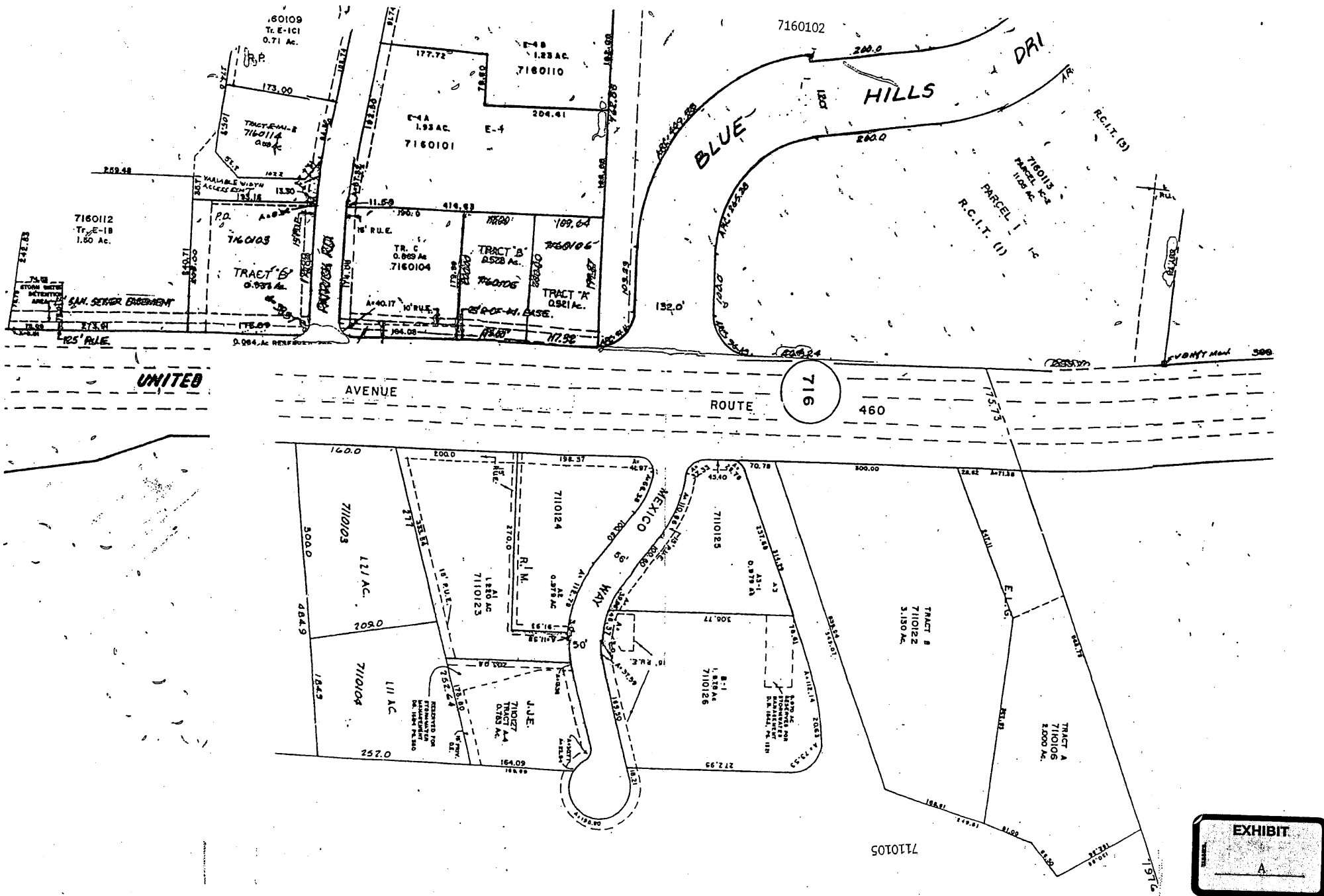
FUDDS OF S.W.VA., INC.

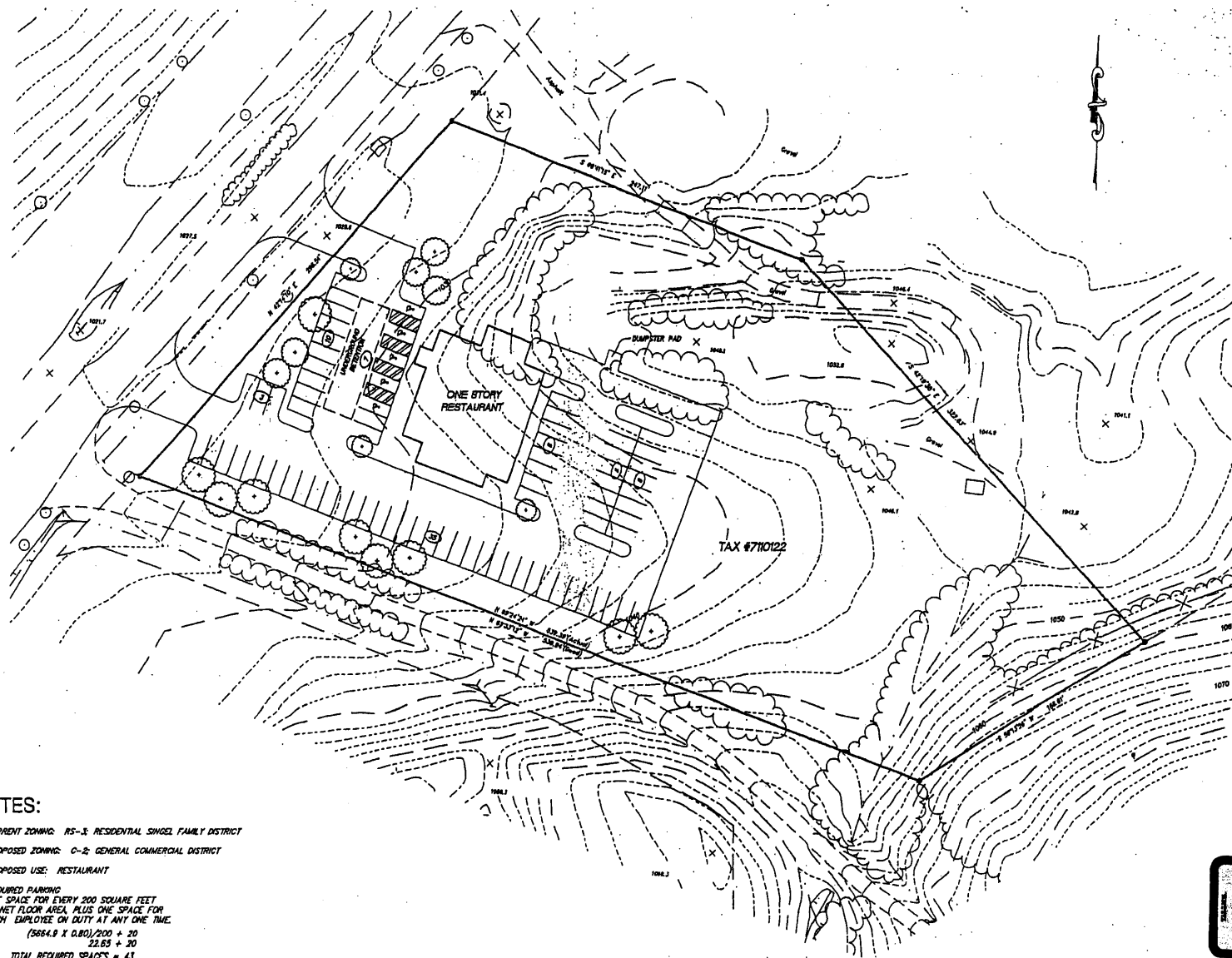
By:

William J. Lat. J.

Its:

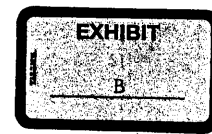
Executive Vice-President





NOTES:

1. CURRENT ZONING: RS-3: RESIDENTIAL SINGLE FAMILY DISTRICT
2. PROPOSED ZONING: C-2: GENERAL COMMERCIAL DISTRICT
3. PROPOSED USE: RESTAURANT
4. REQUIRED PARKING
ONE SPACE FOR EVERY 200 SQUARE FEET
OF NET FLOOR AREA, PLUS ONE SPACE FOR
EACH EMPLOYEE ON DUTY AT ANY ONE TIME.
 $(5884.9 \times 0.001) / 200 + 20$
 $22.55 + 20$
TOTAL REQUIRED SPACES = 43
PARKING SPACES PROVIDED: 79 SPACES



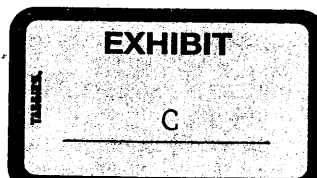
PRELIMINARY PLAN
FOR PROPERTY SITUATED ON
ORANGE AVENUE, N.E. - U. S. ROUTE #460
TAX #7110122
LOCATED IN
CITY OF ROANOKE, VIRGINIA

ADJOINING PROPERTY OWNERS

FUDDS OF S.W.VA., INC.

Tax Parcel Number 7110122
3659 Orange Avenue, N.E., Roanoke, Virginia 24012

<u>Tax Map Number</u>	<u>Owner(s)/Address</u>
7110106	Evelyn Keister Gish 3659 Orange Avenue, N.E. Roanoke, Virginia 24012
7110105	Parkway Wesleyan Church, Inc. 3230 King Street, N.E. Roanoke, Virginia 24012
7160102 7160113	City of Roanoke 215 Church Avenue, Room 250 Roanoke, Virginia 24011



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

55
6/2/04

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 711, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

WHEREAS, Fudds of S.W.VA., Inc. has made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from RM-3, Residential Single-Family District, to C-2, General Commercial District, subject to certain conditions proffered by the applicant;

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council;

WHEREAS, a public hearing was held by City Council on said application at its meeting on May 20, 2004, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning;

WHEREAS, after hearing all parties in interest and citizens, both for and against the proposed rezoning, City Council closed the public hearing;

WHEREAS, the request for rezoning was referred to City Planning staff for review of additional proffers and report to Council no later than Monday, June 21, 2004;

WHEREAS, a Sixth Amended Petition was filed with the City Clerk on June 1, 2004;
and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing and the public meeting, is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 711 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular and no other:

That certain tract of land located at 3659 Orange Avenue, S.E., containing 3.13 acres, more or less, known as Official Tax No. 7110122, and designated on Sheet No. 711 of the Sectional 1976 Zone Map, City of Roanoke, be, and is hereby rezoned from RS-3, Residential Single-Family District, to C-2, General Commercial District, subject to the proffers contained in the Sixth Amended Petition filed in the Office of the City Clerk on June 1, 2004, and that Sheet No. 711 of the Zone Map be changed in this respect.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.